

The Senate Appropriations Committee offered the following substitute to HB 1373:

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to financial affairs, and Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to change provisions relating to the state budget process and budgetary information; to repeal the creation of the Budgetary Responsibility Oversight Committee and matters relative thereto; to provide for certain reports with respect to federal funds and other agency funds; to repeal certain duties and responsibilities of the Budgetary Responsibility Oversight Committee; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to financial affairs, is amended by striking in its entirety Code Section 28-5-5, relating to the Budgetary Responsibility Oversight Committee, and inserting in lieu thereof the following:

"28-5-5.

~~(a) There is created the Budgetary Responsibility Oversight Committee which shall be composed of six members of the House of Representatives appointed by the Speaker of the House of Representatives and six members of the Senate appointed by the President of the Senate. The members of such committee shall be selected within ten days after the convening of the General Assembly in each odd-numbered year and shall serve until their successors are appointed.~~

~~(b) The Speaker of the House of Representatives shall appoint a member of the committee to serve as chairperson and the President of the Senate shall appoint members of the committee to serve as vice chairperson and secretary during each even-numbered year. The President of the Senate shall appoint a member of the committee to serve as chairperson~~

1 and the Speaker of the House of Representatives shall appoint members to serve as vice
2 chairperson and secretary during each odd-numbered year. Such committee shall meet at
3 least six times each year and, upon the call of the chairperson, at such additional times as
4 deemed necessary by the chairperson.

5 (c) It shall be the duty of such committee to consult with the Governor and the Office of
6 Planning and Budget concerning the development and implementation of the strategic
7 planning process, the development of outcome measures for program evaluation, and the
8 implementation of related actions.

9 (d) It shall be the duty of such committee to review and evaluate the following:

10 (1) Information on new programs submitted in accordance with Code Section 45-12-88;

11 (2) The continuation budget report submitted in accordance with Code Section
12 45-12-75.1;

13 (3) The strategic plans for the state and individual departments submitted by the Office
14 of Planning and Budget;

15 (4) Program evaluation reports submitted in accordance with Code Section 45-12-178;

16 (5) Information or reports to be submitted by the Office of Planning and Budget
17 identifying moneys received and purposes for which moneys are expended in any case
18 in which the receipt or expenditure is not contemplated by an appropriations Act; and

19 (6) Such other information or reports as deemed necessary by such committee.

20 (e) The Office of Planning and Budget and the head of each budget unit shall cooperate
21 with such committee and provide such information or reports as requested by the
22 committee for the performance of its functions.

23 (f) The committee shall make an annual report of its activities and findings to the
24 membership of the General Assembly and the Governor within one week of the convening
25 of each regular session of the General Assembly. The chairperson of the committee shall
26 prepare written executive summaries of such report prior to the adoption of the General
27 Appropriations Act each year. The committee shall not be required to distribute copies of
28 the annual report or the executive summaries to the members of the General Assembly but
29 shall notify the members of the availability of the materials in the manner which it deems
30 to be most effective and efficient.

31 (g) The members of the committee shall receive the allowances authorized for legislative
32 members of legislative committees. The funds necessary to pay such allowances shall come
33 from funds appropriated to the House of Representatives and the Senate.

34 (h) The committee shall be authorized to request that a performance audit be conducted
35 for any department which the committee deems necessary. Reserved."

SECTION 2.

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, is amended by striking in its entirety Code Section 45-12-75.1, relating to the annual continuation budget report, and inserting in lieu thereof the following:

"45-12-75.1.

~~(a) On or before October 1 of 1994 and each year thereafter, the Governor, through the Office of Planning and Budget, shall prepare and submit to the Budgetary Responsibility Oversight Committee a continuation budget report. On or before May 1 of 1994 and every year thereafter, the Governor, through the Office of Planning and Budget, shall consult and coordinate with the chairperson of the Budgetary Responsibility Oversight Committee to develop a list of agencies and programs in agencies which will be included in the continuation budget report for the year. Each state department shall be included in the continuation budget report not less than once every five years. The continuation budget report shall contain a detailed analysis of the funds necessary to provide services in the current fiscal year for each state agency and program examined. Such report shall address all programs and shall include a description of the purposes and accomplishments of the programs.~~

~~(b) The committee shall consider the budget report prepared pursuant to this Code section in conjunction with the audit report prepared pursuant to paragraph (4) of Code Section 50-6-24.~~

~~(c) The committee shall prepare a list of all programs included in the continuation budget report for each department examined as well as actions recommended, if any, by the committee. Within one week of the convening of each regular session of the General Assembly, the committee shall notify the members of the availability of the list in the manner which it deems to be most effective and efficient.~~

~~(d) It is the intent of this Code section to examine all state departments not less than once every five years.~~Reserved."

SECTION 3.

Said chapter is further amended by striking in its entirety subsection (b) of Code Section 45-12-85, relating to examination and investigation of periodic work programs and requests for allotment of funds, and inserting in lieu thereof the following:

"(b) The Governor through the Office of Planning and Budget shall seek to effect economy, efficiency, decentralization of state government, and sound fiscal management in reviewing budget allotment requests and may make such changes to the budget allotment requests to meet these goals and objectives and which are consistent with and subject to the

method and provisions contained in the General Appropriations Act. Upon determination that the requested budget allotment conforms with the approved work program and meets the above-mentioned goals and objectives, the Governor shall execute his or her warrant on the treasury for the funds included in the approved budget allotment. Notwithstanding any authorization for expenditure included in an appropriations Act, all appropriations in excess of the approved budget allotments for the budget year, as determined by the Office of Planning and Budget, shall cease to be an obligation of the state. The Office of Planning and Budget shall notify the ~~Office of Legislative Budget Analyst and the Budgetary Responsibility Oversight Committee~~ director of the House Budget Office and the director of the Senate Budget and Evaluation Office of any such action with appropriate supporting information."

SECTION 4.

Said chapter is further amended by striking in its entirety Code Section 45-12-88, relating to budget units to furnish information to the Budgetary Responsibility Oversight Committee before instituting new programs, and inserting in lieu thereof the following:

"45-12-88.

~~When any budget unit has plans to institute any new program, it shall be the duty of the head of such unit to furnish to the Budgetary Responsibility Oversight Committee, on September 1 prior to the convening date of the session at which appropriations to finance such program are to be sought, a description of the program, the reason for seeking to institute such program, the operating procedure of such program, the manner in which it conforms to the organization's strategic plan as well as the state strategic plan, the extent to which the facilities and staff to implement or provide the program will be decentralized, and any other information which would be helpful to the members of the committee in determining whether or not to appropriate funds therefor. The members shall also be furnished with the projected cost to implement the program fully~~Reserved."

SECTION 5.

Said chapter is further amended by inserting after Code Section 45-12-91, relating to appropriation of federal funds received by the state, a new Code Section 45-12-91.1 to read as follows:

"45-12-91.1.

(a) The state accounting officer shall provide an annual report as specified in subsection (b) of this Code section to the Lieutenant Governor, the President Pro Tempore of the Senate, the Speaker and Speaker Pro Tempore of the House of Representatives, the

1 chairperson of the Senate and House appropriations committees, the director of the Senate
2 Budget and Evaluation Office, and the director of the House Budget Office. The annual
3 report shall be filed with these officers by January 31, 2007, and by December 31 of each
4 subsequent year.

5 (b) The annual report shall include a detailed statement of the itemized allotments and
6 expenditures of federal funds by programs as distributed by agency and by Catalog of
7 Federal Domestic Assistance numbers. The annual report shall also include a detailed
8 statement of the itemized allotments and expenditures of agency funds by programs as
9 distributed by agency. The annual report shall also include by agency the balance of
10 unspent federal funds and agency funds."

11 SECTION 6.

12 Said chapter is further amended by striking in its entirety subsection (b) of Code Section
13 45-12-175, relating to preparation of long-range development plans by office and designation
14 of planning officer or representative by departments, agencies, or institutions, and inserting
15 in lieu thereof the following:

16 "(b) The Office of Planning and Budget shall cause to be prepared and coordinate the
17 development of strategic plans by departments, boards, bureaus, commissions, institutions,
18 authorities, and other agencies to ensure that the state-wide directions are met. The Office
19 of Planning and Budget shall:

20 (1) Ensure that the focus of the various plans do not conflict with the general state goals;

21 (2) Offer assistance to the various departments, boards, bureaus, commissions,
22 institutions, authorities, and other agencies of state government in the design and
23 execution of their programs and be the coordinating agency for the separate department
24 or agency proposals; and

25 (3) Phase in implementation by the various departments, boards, bureaus, commissions,
26 institutions, authorities, and other agencies of state government. ~~By September 1 of 1993~~
27 ~~and each year thereafter until all departments, boards, bureaus, commissions, institutions,~~
28 ~~authorities, and other agencies have initiated strategic planning, the Office of Planning~~
29 ~~and Budget shall notify the Budgetary Responsibility Oversight Committee as to which~~
30 ~~departments, boards, bureaus, commissions, institutions, authorities, and other agencies~~
31 ~~will initiate strategic planning in the coming year; and~~

32 ~~(4) Present such strategic plans, in cooperation with the affected department, board,~~
33 ~~bureau, commission, institution, authority, or other agency, to the Budgetary~~
34 ~~Responsibility Oversight Committee."~~

SECTION 7.

Said chapter is further amended by striking in its entirety Code Section 45-12-178, relating to ongoing review by the Governor of all programs and functions in state government, and inserting in lieu thereof the following:

"45-12-178.

~~(a) It is the intent of the Governor and the General Assembly that taxpayers' money be spent in the most effective and efficient manner possible in order to obtain the maximum benefit from such expenditures. In furtherance of this objective, the Governor, through the Office of Planning and Budget, shall assist the General Assembly in establishing an ongoing review and evaluation of all programs and functions in state government.~~

~~(b) The chairperson of the Budgetary Responsibility Oversight Committee shall maintain a list of those programs for which the committee is requesting evaluations. The chairperson shall provide the list, and any subsequent revisions to the list, to the director of the Governor's Office of Planning and Budget and to the state auditor.~~

~~(c) The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee shall undertake and complete evaluations on as many of those requested programs as resources will permit. The Office of Legislative Budget Analyst, the Board of Regents of the University System of Georgia, and all other state agencies are authorized and directed to provide assistance to the Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee, as requested, in the performance of these evaluations. The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee are also authorized to contract with private contractors to perform, or assist in the performance of, these evaluations.~~

~~(d) The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee shall report to the Budgetary Responsibility Oversight Committee on the results of program evaluations as such evaluations are completed. Such reports shall include:~~

~~(1) Appropriate background information on the affected program, including how and why it was initiated, its functions, what group it serves, how it is organized structurally and geographically, what are its staff size and composition, and what is its workload;~~

~~(2) Financial information including the source and amounts of funding and unit costs, where applicable;~~

~~(3) A description of the program's mission, goals, and objectives and an assessment of the extent to which the program has performed in comparison;~~

1 ~~(4) Comparisons with other applicable public and private entities as to their experiences,~~
2 ~~service levels, costs, and staff resources required;~~

3 ~~(5) Recommendations concerning the program, including whether it should be continued~~
4 ~~as it is currently operated, continued with identified steps to remediate deficiencies or~~
5 ~~institute improvements, or discontinued. Consideration should also be given to possible~~
6 ~~privatization or consolidation with other similar programs;~~

7 ~~(6) Information describing the locations at which the program is operated and~~
8 ~~administered and the extent to which the operation and administration could be~~
9 ~~decentralized; and~~

10 ~~(7) Such other information as is identified as appropriate.~~

11 ~~(e) It is the intent of the General Assembly that all programs be evaluated at least every ten~~
12 ~~years.~~

13 ~~(f) Department heads shall respond, in writing, within 90 days of the receipt of the report~~
14 ~~to recommendations and findings by the Office of Planning and Budget or the Department~~
15 ~~of Audits and Accounts setting forth in detail the action to be taken by said department to~~
16 ~~address the recommendations and findings. Said written response shall be made to the~~
17 ~~Office of Planning and Budget, the Department of Audits and Accounts, and the Budgetary~~
18 ~~Responsibility Oversight Committee.~~

19 ~~(g) The Research Office of the Budgetary Responsibility Oversight Committee shall verify~~
20 ~~with state departments the implementation of the departments' plans set forth in their 90~~
21 ~~day responses as submitted in accordance with subsection (f) of this Code section. The~~
22 ~~Research Office shall inform the Budgetary Responsibility Oversight Committee about~~
23 ~~each department's progress at reasonable intervals.~~Reserved."

24 **SECTION 8.**

25 All laws and parts of laws in conflict with this Act are repealed.